



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 08-011-014 AO

Section 19A-11 of the Ethics Law generally prohibits a public employee from participating in a matter (as an employee) if it conflicts with that employee's personal interests. Thus, a public employee cannot participate in a matter if it affects, in a manner distinct from its effect on the public generally, any property or business in which the employee or a relative holds an economic interest. Similarly, a public employee cannot participate in a matter if any party to that matter is a business in which the employee has an economic interest or is an officer or employee.

In this case, a public employee asks whether he can volunteer to serve on a transition team for President Elect Barack Obama. Specifically, the employee would serve on the transition team reviewing the operations of the Department of Justice Criminal and National Security Divisions. Based upon its review, the team will prepare a transition work plan, making recommendations to the incoming administration. While the team will primarily focus on broad institutional issues, it may occasionally examine the status of specific cases that are of high national interest.

The employee's department does not have any matters before the Department of Justice Criminal and National Security Divisions. But the department is handling matters where other divisions within the Department of Justice are concerned. The employee has indicated that he would recuse himself from any transition team work involving those matters.

With that safeguard in mind, the Commission sees no conflict in the employee's participation on the transition team. In reaching this decision the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

November 6, 2008

Date

Antar Johnson, Chair